

Christen Hoedt, M.D.,)
)
Plaintiff,)
) **No. 3:24-cv-00310**
v.)
)
)
Vanderbilt University, Vanderbilt University)
Medical Center, Vanderbilt University)
Medical Center d/b/a Vanderbilt Wilson)
County Hospital, Rick W. Wright, M.D.,)
Gregory G. Polkowski, M.D., the United)
States Department of Health and Human)
Services, and Xavier Becerra, in his official)
Capacity as Secretary, United States)
Department of Health and Human Services,)
)
Defendants.)

Come now the Defendants, Vanderbilt University Medical Center, Vanderbilt University Medical Center d/b/a Vanderbilt Wilson County Hospital, Rick W. Wright, M.D., and Gregory G. Polkowski, M.D. (collectively, “Movants”), and hereby submit this Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. As discussed more specifically in their contemporaneously filed Memorandum of Law, the Movants respectfully request the entry of an Order dismissing all claims against them in the Amended Complaint that arise from alleged conduct occurring before the execution of the valid and enforceable settlement agreement, attached to the original Complaint as Exhibit 2. The claims based upon alleged conduct occurring prior to

September 9, 2022 are subject to the general release contained in the settlement agreement and, therefore, fail to state a claim for which relief can be granted. Additionally, to the extent Plaintiff attempts to assert any defamation claim against any Movant, such claim(s) should be dismissed for failure to state a claim for which relief can be granted.

In support of this Motion, the Movants rely upon the Memorandum of Law filed contemporaneously herewith and the pleadings filed to date.

Respectfully submitted,

WISEMAN ASHWORTH TRAUGER

/s/ Thomas A. Wiseman III
Thomas Wiseman III, TN Bar No. 11738
511 Union Street, Suite 800
Nashville, TN 37219-1743
Phone: (615) 254-1877
Facsimile: (615) 254-1878
tom@watlawgroup.com

NORTON ROSE FULBRIGHT, US LLP

Yvonne K. Puig (*Pro Hac Vice*)
Texas State Bar No. 16385400
Yvonne.puig@nortonrosefulbright.com
Daphne Andritsos Calderon (*Pro Hac Vice*)
Texas State Bar No. 00793266
Daphne.calderon@nortonrosefulbright.com
98 San Jacinto Blvd., Suite 1100
Austin, Texas 78701
Phone: (512) 536-2450
Facsimile: (512) 536-4598

*Attorneys for Defendants Vanderbilt University
Medical Center, Vanderbilt University Medical
Center d/b/a Vanderbilt Wilson County Hospital,
Rick W. Wright, M.D., and Gregory G. Polkowski,
M.D.*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on May 20, 2024, a true and correct copy of the foregoing document was filed with the Clerk of the Court using the ECF System, which sent notification of such filing to the following:

C. Bennett Harrison, Jr.
Victoria L. Rohloff
Cornelius & Collins, LLP
211 Athens Way, Suite 200
Nashville, TN 37228

Patrick Shea Callahan
Callahan & Binkley, PLC
321 E. Spring Street, Suite 304
Cookeville, TN 38501
Attorneys for Plaintiff

Kevin C. Klein
Klein Solomon Mills, PLLC
1322 4th Avenue North
Nashville, Tennessee 37208
Attorney for Vanderbilt University

/s/ Thomas A. Wiseman III
THOMAS A. WISEMAN III